

Somerset, NY

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

A & B HVAC SERVICES, INC.

Employer

and

Case 22-RC-089630

SHEET METAL WORKERS LOCAL
UNION 25

Petitioner

DECISION AND ORDER

The National Labor Relations Board has considered challenged ballots and objections in an election held November 15, 2012, and the Regional Director's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The revised tally of ballots shows 1 ballot cast for and 1 ballot cast against the Petitioner, with 4 challenged ballots, a sufficient number to affect the results.¹

No exceptions have been filed to the Regional Director's report within the time provided. Accordingly, the Board adopts the Regional Director's findings and recommendations.²

¹The Regional Director found that the challenged ballots of voters Michael Estok, Daniel Martinez, Levie Steele, and Arturo Yanez, Jr., raise substantial and material issues which can best be resolved on the basis of record testimony at a hearing. The Regional Director found the same with respect to the Petitioner's objections relating to the Employer's interrogation and threats of employees.

² The Regional Director recommended overruling the Petitioner's Objection that asserts that the Employer interfered with the election by terminating voters Michael Estok, Daniel Martinez, and Levie Steele, and further recommended that the allegations raised in connections with their discharges in Case 22-CA-093446 do not provide a basis for concluding that they should be found to be eligible voters.

ORDER

IT IS ORDERED that this proceeding is remanded to the Regional Director for Region 22 for further appropriate action consistent with his report.

Dated, Washington, D.C., June 3, 2013.

By direction of the Board:

/s/Farah Z. Qureshi

Associate Executive Secretary